

OFFICIAL COPY

Fresno, California

February 6, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

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|----------|------------------|---------------------------|
| Present: | Brian Calhoun | Councilmember |
| | Jerry Duncan | Councilmember |
| | Cynthia Sterling | Councilmember |
| | Larry Westerlund | Councilmember |
| | Blong Xiong | Acting Council President |
| | Henry Perea | Council President |
| Absent: | Mike Dages | Councilmember (Jury Duty) |

Andy Souza, City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk
Cindy Bruer, Deputy City Clerk

Cynthia Sterling gave the invocation, and President Perea led the Pledge of Allegiance.

PROCLAMATION OF "PINEDALE ASSEMBLY CENTER MEMORIAL PROJECT DAY" – ALL COUNCILMEMBERS

Read and presented.

PRESENTATION OF THE SPCA PET OF THE MONTH – COUNCILMEMBER STERLING

Presentation made.

INTRODUCTION OF A NEW AIRLINE TO FRESNO INTERNATIONAL AIRPORT – AIRPORTS DEPT.

Aviation Director Widmar introduced a new airline called Express Jet to Fresno International Airport and also introduced Alex Trapp, Director of Corporate Development, who emphasized the airline would provide time savings and convenience. Councilmembers Westerlund, Duncan and Council President Perea welcomed the new airline.

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PRESENTATION OF RESOLUTION CONGRATULATING THE PURCHASING DIVISION OF THE GENERAL SERVICES DEPARTMENT FOR RECEIVING THE "ACHIEVEMENT IN EXCELLENCE IN PROCUREMENT" AWARD FOR 2006 – MAYOR AUTRY AND ALL COUNCILMEMBERS

PROCLAMATION OF "ROBERT BURNS DAY" – COUNCILMEMBER CALHOUN

The above proclamations and resolutions were read and presented.

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APPROVE MINUTES OF JANUARY 30, 2007

Councilmember Westerlund noted a correction to the minutes that should read Tyler McGlass, President of the Bullard High School Branch of the Fellowship (not Fresno) Christian Athlete Club gave the invocation.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of January 30, 2007, approved as amended.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER CALHOUN: (1) Questioned why the lane in front of City Hall was still blocked off after the Christmas tree had been removed and expressed concern because the lane closure did not come before the Council as a safety issue and requested "P" Street be restored back to three lanes. Assistant City Manager Rudd stated the Public Works Department requested the street remain two lanes for the purpose of slowing traffic. Councilmember Calhoun requested staff check into re-opening the street with Mr. Rudd stating staff would meet with the Public Works Dept. to review alternatives.

COUNCILMEMBER STERLING: (1) Thanked the City Manager and department directors for attending the 10 X 10 meetings; (2) report on receipt of a letter regarding the Board of Commissioners meeting of January 24th from SEIU Local 535 expressing concern with not allowing people to speak during public comment at the Fresno City/County Housing Authority board meeting; (3) thanked the Fresno Convention and Visitor's Bureau for the 88th Annual District Convention for Lions; and (4) commended the Empty Bowls Program held at Fresno High School and noted there will be an banquet to auction the bowls and stated she also attend Digital Abled Production Programs held at the Mosqueda Center.

APPROVE AGENDA:

(1-U) * BILL NO. B—11 (INTRO. 1/23/2007 AND REINTRODUCED 1/30/2007) (FOR ADOPTION) - AMENDING SECTION 3-101 AND 3-505 REPEALING SUBSECTION (H) OF SECTION 3-105, AND REPEALING AND ADDING SECTION 3-109.1 OF THE FRESNO MUNICIPAL CODE RELATING TO LOCAL PREFERENCE IN COMPETITIVE PROCUREMENT PROCESSES – COUNCILMEMBER DAGES

11:00 A.M. BILL – (FOR INTRODUCTION) – ADDING ARTICLE 21 TO CHAPTER 9 TO THE FRESNO MUNICIPAL CODE RELATING TO PROHIBITION AGAINST CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS AND ALLOWING OR HOSTING GATHERINGS WHERE UNDERAGE PERSONS ARE CONSUMING ALCOHOLIC BEVERAGES – COUNCILMEMBER DAGES

President Perea stated due to Councilmember Dages serving on jury duty, items 1U and 11:00 a.m. would be continued to February 27, 2007.

9:00 A.M. (A-2) SCHEDULED COMMUNICATION – REQUEST TO APPEAL TO ARBORIST'S RECOMMENDATION TO NOT REMOVE A SYCAMORE TREE IN FRONT OF THE HOME OF RAY AND BETTYE SULLIVAN – PROPERTY LOCATED AT 1636 N. PACIFIC (PROPERTY LOCATED IN DISTRICT 1)

(2-0) Acting President Xiong requested the above listed item be removed from the agenda as the issue was being taken care of administratively.

On motion of Councilmember Westerlund, seconded by Acting President Xiong, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea |
| Noes | : | None |
| Absent | : | Dages |

ADOPT CONSENT CALENDAR:

An unidentified man requested Item **1-S** be pulled for discussion. Barbara Hunt, 2475 S. Walnut Ave. stated the City warming center item **1-J** was appropriating \$5,000 and should require five votes and also stated each consent item should be read to the public. Rick Steitz, Local 39, requested Item **1-T** be pulled for discussion. Councilmember Calhoun pulled **1-A**; and Councilmember Sterling requested the item be moved to February 27, 2007 as a timed item and also expressed concern with Item **1-T** not being on the preliminary agenda and requested the item also be continued to February 27, 2007.

Brief discussion ensued regarding whether the public could remove an item from consent and whether some of the items would be continued to February 27th and City Attorney Sanchez stated the items should be heard at 2:00 p.m. under Contested Consent and at that time Council should determine whether the item would be continued. Councilmember Westerlund registered a “no” vote on Item **1-N**.

Acting President Xiong pulled Items **1-M** and **1-R** and stated he had not yet received an evaluation of the consultants. Council President Perea pulled Item **1-S**.

(1-B) * RESOLUTION NO. 2007-37 - 456TH AMENDMENT TO MFS RESOLUTION NO. 80-420 TO ADOPT THE ANNUAL ROUTINE REVISIONS TO THE FOLLOWING DEPARTMENTS: AIRPORTS; FIRE; GENERAL GOVERNMENT; PARKS, RECREATION, AND COMMUNITY SERVICES; PLANNING & DEVELOPMENT; POLICE; PUBLIC UTILITIES; AND PUBLIC WORKS – FINANCE DEPT./BUDGET DIVISION

(1-C) * RESOLUTION NO. 2007-38 - 56TH AMENDMENT TO AAR NO. 2006-253 APPROPRIATING \$890,000 FOR THE SOLE SOURCE PROCUREMENT AND INSTALLATION OF TWO PASSENGER LOADING BRIDGES AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (*REQUIRES 5 AFFIRMATIVE VOTES*) – AIRPORTS DEPT.

1. RESOLUTION NO. 2007-39 - AUTHORIZING THE PURCHASING MANAGER TO ENTER INTO A PROCUREMENT AND INSTALLATION CONTRACT WITH FMC TECHNOLOGIES IN THE AMOUNT OF \$890,000 FOR TWO PASSENGER LOADING BRIDGES AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) WITHOUT ADVERTISED COMPETITIVE BIDDING

(1-D) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE THE AGREEMENT AND REQUIRED PROGRAM DOCUMENTS WITH THE OFFICE OF EMERGENCY SERVICES AND THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE MARJAREE MASON CENTER FOR THE LAW ENFORCEMENT SPECIALIZED UNITS PROGRAM, VIOLENCE AGAINST WOMEN 2007 GRANT PROJECT – POLICE DEPT

1. * RESOLUTION NO. 2007-40 - 46TH AMENDMENT TO AAR NO. 2006-253 APPROPRIATING \$95,700 TO FUND THE VIOLENCE AGAINST WOMEN ADVOCACY PROGRAM THROUGH A GRANT PROVIDED BY THE STATE OFFICE OF EMERGENCY SERVICES (*REQUIRES 5 AFFIRMATIVE VOTES*)

(1-E) RESOLUTION NO. 2007-41 – DEDICATING CERTAIN CITY–OWNED PROPERTY AS EASEMENTS FOR PUBLIC STREET PURPOSES AND PUBLIC PEDESTRIAN WALKWAY PURPOSES, PROPERTY LOCATED ON THE SOUTH SIDE OF E. BUTLER AVENUE WEST OF S. CHANCE AVENUE (*PROPERTY LOCATED IN DISTRICT 5*) – PUBLIC WORKS DEPT.

(1-F) * RESOLUTION NO. 2007-42- APPROVING A COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION AND TRANSFER OF A PARCEL FOR A STORM WATER DRAINAGE BASIN AT MARKS AVENUE AND AUTHORIZING THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO SIGN THE AGREEMENT AND ALL RELATED DOCUMENTS ON BEHALF OF THE CITY OF FRESNO – PUBLIC WORKS DEPT.

(1-G) * RESOLUTION NO. 2007-43 - 54TH AMENDMENT TO AAR NO. 2006-253 APPROPRIATING \$1,350,000 IN TRAFFIC CONGESTION RELIEF PROGRAM FUNDS FOR STREET MAINTENANCE PROJECTS IN THE STREET MAINTENANCE AND CAPITAL PROJECT DIVISIONS OF PUBLIC WORKS (**REQUIRES 5 AFFIRMATIVE VOTES**) – PUBLIC WORKS DEPT.

(1-H) RESOLUTION NO. 2007-44 - APPROVING THE FINAL MAP OF TRACT NO. 5316 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE CITY MANAGER AND HIS/HER DESIGNEE TO EXECUTE THE NECESSARY DOCUMENTS (**PROPERTY LOCATED IN DISTRICT 1**) - PLANNING AND DEVELOPMENT DEPT. AND PUBLIC WORKS DEPT.

(1-I) * RESOLUTION NO. 2007-45 - 8TH AMENDMENT TO PAR NO. 2006-254 CONVERTING SIX (6) PERMANENT-INTERMITTENT RECREATION LEADER POSITIONS TO FOUR (4) FULL-TIME RECREATION SPECIALISTS IN THE PARK, RECREATION AND COMMUNITY SERVICES DEPARTMENT – PR&C

1. APPROVE AN AGREEMENT WITH THE FRESNO CITY EMPLOYEES ASSOCIATION (FCEA) FOR THE INTERNAL RECRUITMENT OF FOUR (4) NEW FULL-TIME RECREATION SPECIALIST POSITIONS

(1-J) * RESOLUTION NO. 2007-46 - 55TH AMENDMENT TO AAR NO. 2006-283 APPROPRIATING \$5,000 IN THE GENERAL FUND FROM A FRESNO REGIONAL FOUNDATION DONATION TO PURCHASE SUPPLIES FOR THE CITY WARMING CENTERS OPERATED BY THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT SERVICES (**REQUIRES 5 AFFIRMATIVE VOTES**) - PR&CS

(1-K) * RESOLUTION NO. 2007-47- 58TH AMENDMENT TO AAR NO. 2006-283 APPROPRIATING \$16,800 IN 21ST CENTURAL GRANT FUNDING FROM FRESNO UNIFIED SCHOOL DISTRICT FOR FOURTEEN (14) FAMILY SCIENCE NIGHTS PROGRAMMING SERVICES (**REQUIRES 5 AFFIRMATIVE VOTES**) – PR&C

1. APPROVE THE CORRESPONDING INDEPENDENT CONTRACTOR SERVICES AGREEMENT

(1-L) * APPROVE STANDARD AIRLINE OPERATIONS AGREEMENT WITH FRONTIER AIRLINES, INC. WITH THE EFFECTIVE DATE OF JANUARY 8, 2007, THE DATE ON WHICH FRONTIER BEGAN CONTEMPORANEOUSLY WITH ALL THE OTHER SIGNATORY AIRLINES' AIRLINE OPERATIONS AGREEMENTS ON JUNE 30, 2010; NO EXCLUSIVE OR PREFERENTIAL USE SPACE IS INVOLVED SINCE FRONTIER IS HANDLED BY HORIZON AIRLINES IN HORIZON'S LEASED SPACE, AND FRONTIER WILL PAY THE CITY LANDING FEES AND OTHER ACTIVITY FEES AND CHARGES PURSUANT TO THE MASTER FEE SCHEDULE – AIRPORTS DEPT.

(1-O) * AWARD A CONTRACT TO AMERICAN PAVING CO. FOR THE INSTALLATION OF STREET INFRASTRUCTURE IN THE AMOUNT OF \$932,247.50 IN NO NEIGHBORHOOD LEFT BEHIND AREA 71 (PROPERTY LOCATED IN DISTRICT 7**) – DEPT. OF PUBLIC UTILITIES**

(1-P) * RESOLUTION NO. 2007-48 - 9TH AMENDMENT TO PAR NO. 2006-254 ADDING A FULL TIME SECRETARY POSITION TO THE ECONOMIC DEVELOPMENT DEPT. BEGINNING APRIL 1, 2007 – ECONOMIC DEVELOPMENT DEPT.

(1-Q) RESOLUTION NO. 2007-49 - APPROVING THE FINAL MAP OF TRACT NO. 5268 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR AND PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS (**PROPERTY LOCATED IN COUNCIL DISTRICT 6**) – PLANNING AND DEVELOPMENT DEPT.

(1-V) * BILL NO. B- 12 ,ORDINANCE NO. 2007-12- (INTRO. 1/30/2007) (FOR ADOPTION) - RELATING TO THE MODIFICATION OF BOUNDARIES OF THE COUNCIL DISTRICTS OF THE CITY OF FRESNO – PLANNING AND DEVELOPMENT DEPT.

On motion of Councilmember Westerlund, seconded by Council President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Dages

1-N) * AWARD A CONTRACT TO WITROI, INC. DBA SEALRITE AND GRADING IN THE AMOUNT OF \$447,016.04 FOR THE INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 33 (PROPERTY LOCATED IN DISTRICT 3) – DEPT. OF PUBLIC UTILITIES

On motion of Councilmember Westerlund, seconded by Council President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR ITEM 1-N** hereby awarded as recommended, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Xiong, Perea
Noes : Westerlund
Absent : Dages

(9:00 A.M. A.-1) SCHEDULED COMMUNICATION – APPEARANCE BY ROBERT GLASSMAN TO DISCUSS THE PURCHASE OF THE GATEWAY CENTER BY THE CITY OF FRESNO

Robert Glassman stated he felt he needed to explain the confrontational approach he took towards the City of Fresno purchasing his business was because he felt his exiting the business would be ignored. Mr. Glassman stated if the City purchased the skating rink at the price of \$4 million he would donate the equipment totaling approximately \$2 million and felt it would be a positive cash flow for the City. Mr. Glassman noted the skating rink would close its doors April 30th.

Speaking in support of the skate rink remaining in Fresno and the acquisition of the property by the City of Fresno were: Michael Smith, 2373 DeCatur Avenue, Clovis; Ashley Charlesworth, 42100 Winchester Way; Yolanda Stone, 1846 E. Lester; Bill Ferguson, 4147 W. Paul Avenue; Jay Johnson, 485 W. Nees #111; Jeff Blair, 2473 N. Marks; Angelina Stone, 1846 E. Lester; Colton Stone, 1846 E Lester; Drew Yardumian, 2433 S. Duke Avenue; Randy Hernandez, 2369 E Jordan; Lana Bulatov, 10071 N. Ponderosa; **(3-0)** and Donna Letson, 1583 Norwich, Clovis.

Continued speakers speaking in support, and to the importance of, keeping public ice were: Lori Alamano, 4538 E. Grant; Marisa Sanchez, 3470 E. Donner; Gabriella Griffith; Kerry Clouser, 2375 Magill, Clovis; Joey Hanf, 6016 W. Pershing, Visalia; Richard Reynolds, 333 E. Cinnamon Dr., Lemoore; Dr. Kathleen Murphey, 3714 N. Van Ness; George Finley, 252 E. Hawes; Lance Rohrmann; Nara Sihavong, 6716 E. Michigan; Corrine Waller; Justin Dailey; Jennifer Parker; Brandy Semchuk, 1242 E. Champlain; Carnie Mullen, 6117 N. Anna; Jeff Massenge, 38145 Hwy 168, Auberry; Crystal Isch; Barbara Hunt; Amy Rotella, 458 S. Clovis #102; Claude Thompson (4 - 0); Susan Ripley; Carissa Evans, 4663 N. Ila; Savanna Bott, 4048 W. Paul; Michael Evans, 4006 E. Cortland; Andrew Yardumian; and Linda Glassman, CEO of Gateway Ice Center, who reinforced Mr. Glassman's statement that the center will remain open as long as Council and the City show they are moving forward to keep public skating ice in Fresno and urged the City to work with them and the community to keep the center open for the public.

Councilmembers Sterling, Westerlund and Duncan all spoke to the issue, to related issues, and/or concerns at length which included, but were not limited to, the City's commitment to keeping public ice, the proposed downtown sports town project, the unfair media spin on the issue, the ice rink being a private entity, the age of the facility and needed improvements, purchasing the facility not being an option for the City, the City currently looking into other options, the need for everyone to work together towards a solution, the public not being aware of all of the facts, the April 30th deadline to close being the decision of the owners and not the City, the sports town agenda and the unfair negative remarks about downtown, the sale of the ice rink being a private issue and transaction, concern that the people and children of the community are being used as a negotiation tactic, need for the private venture to price the property in a sense so it will sell, the Glassman's making a bad investment and wanting the City to bail them out, a solution maybe being a private company buying the facility, need to pressure the owners to decrease the selling price so the facility sells, the Glassman's financial status, suggestion to the Glassmans to donate the facility to a foundation and get the tax write off, Selland Arena being looked at for practices, the City being committed to continuing public ice, the door being closed on the City purchasing the property due to an e-mail from Mr. Glassman stating he just wanted public ice for the community and did not care if the City purchased the property, facts/correspondence on this issue being available on District 6's Web site, and support for staff's continued efforts and the community helping the City find the best answer/solution.

City Manager Souza stated this had been a long two months and a lot of things were alleged about Mayor Autry and clarified at the end of a meeting held at Gateway the Mayor did not say the City would purchase the facility but stated he liked the idea and asked staff to look at the numbers; stated the City was aware of the commitment and investment parents have made in their children and that this was an important issue to them but added the City also had to look at issues that were near and dear to the other half million people who call Fresno their home; stated this had not been easy and this was not about "an ogre sitting on hill wanting to take little kids out of hockey"; advised the Administration has discussed this issue a lot and was willing to look at options including possibly public/private partnerships but clarified the option of the City purchasing the facility was not in the best interests of this community; and stated he and the Mayor were confident there will be an option out there and added staff was committed to work on and flush out what those options might be.

Councilmember Duncan stated it was made clear this date that the Mayor and Council were interested in looking at a solution to continue the activity of ice skating, relative to the April 30th closing deadline stated some speakers acted as if that was the City's decision but clarified it was Mr. Glassman's, and further pointed out Mr. Glassman stated he would continue to keep his skating rink open if he felt the City was making progress, stated he hoped Mr. Glassman would reconsider his April 30th date due to the City's commitment this date to move forward, and requested Mr. Glassman keep Gateway open.

President Perea thanked everyone for participating, stated he concurred with Council's comments; reiterated the City was committed to public ice, the owner's proposal was a bad deal, and staff and Council would exhaust every single option out there; and concluded stating this would not be the last discussion on this matter.

LUNCH RECESS - 11:46 A.M. - 2:03 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-A) AUTHORIZE STAFF TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH QUAD KNOFF, INC., FOR THE DESIGN OF A TWO MILLION GALLON WATER STORAGE TANK AND WATER SUPPLY WELL

(5 - 0) Councilmember Calhoun stated he was a little surprised to see this item, he did not know much about it, and his first questions included what this two million gallon tank was for, what the rush was, and if this was for the downtown riverwalk/lake and/or to save water; stated he then found out the public utilities department had been working on this matter for some time and funds were budgeted for services but he was concerned with why an additional \$800,000 was being spent on a broader study and with the funding source; and stated he wanted more information and was not prepared to vote on this today.

Councilmember Duncan stated he also was not prepared to support this and was shocked to see this before Council, stated the fact that information on a downtown riverwalk had not been shared with Council or the public, there had been no presentation by staff and the Mayor on a plan, and Council was being asked to spend \$1.3 million in a non-competitive situation were big concerns to him and further elaborated; and stated this was not a small matter, there was no urgent need to go forward, Council not knowing anything was just wrong; and he would support a delay to obtain additional information.

Councilmember Sterling stated agreed with comments made and added her main concern was that this matter was not on the preliminary agenda and added with a project of this magnitude she should have had some advance knowledge; stated she thought this matter was being pulled so Council could talk about it but added with her possibly being the only one who was aware and comfortable with it gave her even more concern, and stated staff needed to spend more time talking with Council so Council could be more proactive and made a motion to table.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Item 1-A tabled to February 27, 2007, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea |
| Noes | : | None |
| Absent | : | Dages |

(1-M) AWARD A CONTRACT WITH JSA ADVERTISING FOR PROFESSIONAL INFORMATION SERVICES FOR THE DEPARTMENT OF PUBLIC UTILITIES

Acting President Xiong presented questions and comments relative to whether any evaluation was done on the firm's work for the City, benchmarks, need for Council to be made aware of past performance and other specifics, and requested staff make Council aware of such information in the future, with Assistant PUD Director Andersen, City Attorney Sanchez and Assistant City Manager Rudd responding throughout.

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, a three-year contract with the option for two one-year extensions awarded to JSA Advertising in the amount of \$404,600, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea |
| Noes | : | None |
| Absent | : | Dages |

(1-R) APPROVE AN AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH KRAZAN AND ASSOCIATES, INC., TO INCREASE THE CONTRACT AMOUNT FROM \$30,000 TO \$80,000 FOR ENVIRONMENTAL SERVICES FOR AFFORDABLE HOUSING PROJECTS, PROGRAMS AND ACTIVITIES

Acting President Xiong stated his issue was resolved and made a motion to approve.

On motion of Acting President Xiong, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled amendment to the Consultant Services Agreement with Krazan and Associates, Inc., hereby approved, by the following vote:

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|--------|---|---|
| Ayes | : | Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea |
| Noes | : | None |
| Absent | : | Dages |

(1-S) APPROVE LEASE AGREEMENT WITH RAQUEL PALACIOS d.b.a. AJUA BAIL BONDS FOR 1237 VAN NESS AVENUE

President Perea advised he pulled the item due to a request made by an attorney to address the matter on behalf of his client.

Attorney Charles Manock of Baker, Manock and Jensen, and Barry Pearlstein of Lucky Bail Bonds, current tenant at 1237 Van Ness, spoke in opposition to the matter stating (1) placing two bail bond businesses in the same location would be a precedent-setting move, aided by the City, to turn the building into a test case as to how the two businesses would compete, (2) an oral commitment was made by staff to not lease the space to a competitor, and (3) the several hundred thousand dollars that had been spent while leasing over the past 20 years to drive business to Lucky Bail Bonds would now be wasted on foot traffic going to a competitor next door.

President Perea reiterated he pulled the item to have a hearing but clarified he had no problem with staff's recommendation, relative to not leasing to a competitor stated there was no agreement in writing, and made a motion to approve staff's recommendation. Councilmember Westerlund spoke further to the oral promise made by staff and upon his question City Attorney Sanchez confirmed from a legal standpoint staff engaged in activity beyond their authority, the promise did not bind the Council, and Council was free to proceed as it desired. Councilmember Westerlund stated he appreciated staff's research and clarification on the matter and it was unfortunate someone acted beyond their scope of authority but stated that happens all the time and this was not the only organization where it happens.

On motion of President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled lease agreement with Raquel Palacios d.b.a. Ajua Bail Bonds hereby approved, and the City Manager or designee authorized to sign the lease agreement on behalf of the City, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea |
| Noes | : | None |
| Absent | : | Dages |

(1-T) APPROVE AGREEMENT FOR WORKERS' COMPENSATION SERVICES PROVIDER CONTRACT WITH AMERICAN ALL RISK LOSS ADMINISTRATORS (AARLA)

Councilmember Sterling noted employee concerns were first brought to Council's attention by the FPOA and she has addressed this matter on a number of occasions the past couple of years, expressed concern again that this item was not on the preliminary agenda, stated she only became aware of it this weekend and she and her staff did not have an opportunity to talk with the various employees and employee groups who have concerns, and stated although she appreciated meeting with AARLA and staff yesterday she wanted the matter delayed to February 27th so she could meet with the employee groups or have those groups and staff meet with AARLA to bring concerns to a conclusion.

On motion of Councilmember Sterling, seconded by President Perea, duly carried, RESOLVED, the above entitled Item 1-T tabled to February 27, 2007, at a time certain, by the following vote:

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|--------|---|--|
| Ayes | : | Duncan, Sterling, Westerlund, Xiong, Perea |
| Noes | : | Calhoun |
| Absent | : | Dages |

(9:15 A.M.) AUTHORIZE THE DEPARTMENT OF TRANSPORTATION/FRESNO AREA EXPRESS TO APPLY FOR LOCAL TRANSPORTATION FUND (LTF) AND STATE TRANSIT ASSISTANCE (STA) FOR FISCAL YEAR 2007

1. RESOLUTION NO. 2007-50 - 57TH AMENDMENT TO THE AAR APPROPRIATING \$3,898,400 FOR THE BUDGET OF CAPITAL PROJECTS AND ADJUSTMENT OF EMPLOYEE SERVICES APPROPRIATIONS FOR THE DOT/FAX

Transportation Director Hamm reviewed the matter, all as contained in the staff report as submitted, and requested approval.

Rick Steitz, ATU President/Business Agent, stated he supported staff's recommendation and presented questions relative to time line for the eight paratransit buses to be operational, who the Consolidated Transportation Services Agency was and what their plans were for money, and if any of the funds were going to a Fresno-Clovis transit agency, with Mr. Hamm and Assistant City Manager Rudd responding.

Upon question of Councilmember Sterling, Mr. Rudd advised the Fresno County Economic Opportunities Commission would provide the transit consolidation services and explained.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the submission of the annual Transportation Funding Claim for Fresno's Local Transportation Fund and State Transit Assistance entitlement in the amount of \$23,684,896, plus any additional funds made available during FY 2007 hereby authorized, and the above entitled Resolution No. 2007-50 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Dages

(9:30 A.M.) DISCUSSION AND DIRECTION ON THE ESTABLISHMENT OF A SMALL FARMER EMERGENCY BUSINESS LOAN PROGRAM FOR SMALL FARMERS LIVING IN THE CITY AND WHO SUFFERED DAMAGE TO THEIR FARM DURING THE RECENT FREEZE - COUNCILMEMBER DUNCAN AND ACTING PRESIDENT XIONG

Councilmember Duncan reviewed the issue, all as contained in the report to Council as submitted; stated he felt it would be appropriate to propose a City program for legitimate small city farmers that would provide resources needed to get their land back in production; advised initial funding and a funding source will need to be found and brought back to Council to implement the program; and stated the team has been aggressively looking to find additional funding and replacement funds, the Mayor was supportive and has been involved by making calls to Sacramento, and it was a great experience working with Acting President Xiong and his staff. Acting President Xiong spoke further to the partnerships entered into, to funding, to the Ag Secretary's efforts to find a solution to this type of issue since the last freeze, to how entities would be looking at the City in this leadership role, and to getting the Governor's support for this program **(6 - 0)**, and commended Councilmember Duncan for his leadership in this issue.

Speaking in support of establishing the program were: Alex Correa, 2140 Merced Street; Richard Molinar, UC Small Farm & Specialty Crop Farm Advisor, 1720 S. Maple; Blong Lee, FCEOC, 5262 W. Sussex Way; Michael Yang, UC Cooperative Extension, 1720 S. Maple; Zia Xiong; and Mr. Vue, 4725 E. Delmonte.

Councilmember Duncan added if there had been any other program out there to utilize it would have been but there were none, and made a motion to approve the Small Farmer Emergency Business Loan Program and direct staff to return as soon as possible with the funding source to create a seed fund of \$500,000, which motion was seconded by Acting President Xiong.

City Manager Souza, Councilmember Duncan, Acting President Xiong and City Attorney Sanchez responded to questions of Councilmember Calhoun at length relative to where the funds would come from, how the \$500,000 amount was determined, number of farmers that will be helped, if this was a one-time program or if the City would now be in the business of providing resources every time a freeze occurs, how this was different from any other small business that fails, why a certain group was being singled out, criteria and how it will be determined if the freeze is the reason for failure or if a person just wants a loan, if the City Attorney had any issues with any other small business coming forth and asking for a zero interest loan, and the nature of agriculture being risky and if this will be back again next year if there is another freeze. Councilmember Westerlund stated he shared some of the same concerns and presented questions/comments relative to which Federal or State program a farmer who owned his property would apply to, programs for tenant farmers, the AGR Insurance program, average loan amounts, what the loans would pay for, need to get visibility at the State and Federal levels, abuses of the system (double/triple-dipping for the same crop loss), \$500,000 seed money being a drop in the bucket, who will determine loan amounts, and it being encouraging to hear that other agencies are involved, with Mr. Molinar, Acting President Xiong and Councilmember Duncan responding throughout.

Councilmember Duncan clarified if the motion is approved the work will not be finished as he and Acting President Xiong were determined to make sure this issue gets raised to the State level, and noted there has been national interest in the plight of the small valley farmer and the goal was to have a State program so the next time this happens the infrastructure and program will already be in place. Councilmember Calhoun commended Councilmembers Duncan and Xiong for all their work and raising this important issue but stressed this was the responsibility of the State and Federal governments and he did not agree that the easy answer was for the City to fund this, stated establishing this program will just give the State an opportunity to stall and elaborated further on the issue **(7 - 0)**, and requested the motion be amended to request the State Legislature to expeditiously enact and provide a program exactly as laid out here. Mr. Sanchez clarified absent the motion-makers concurring with the requested amendment it that would not be in order, whereupon Councilmember Calhoun made it a motion and it was seconded by Councilmember Westerlund. Upon question of President Perea, Councilmember Duncan did not accept the amendment and his motion took precedence over the second motion. Upon the request of Councilmember Duncan, Mr. Souza clarified issues relative to using CDBG funds and clarified no existing programs would be defunded and FY 2008's allocation would be reduced by \$500,000.

President Perea stated when the State and Federal government drops the ball he believed local government should take a greater role no matter what the issue was and stressed this was an opportunity to act on an important issue, concurred this action may abdicate the responsibility from the State and Federal governments and allow them to say they have no programs but stated he was ok with that as the City would be stepping up to help real families who are struggling, and stated he would not like to see this as an on-going program but if there was interest to make it on-going with City dollars he would want it to be more of an insurance-type program and explained.

On motion of Councilmember Duncan, seconded by Acting President Xiong, duly carried, RESOLVED, the Small Farmer Emergency Business Loan Program hereby approved and staff directed to return as soon as possible with the funding source to create a seed fund of \$500,000, by the following vote:

Ayes : Duncan, Sterling, Xiong, Perea
Noes : Calhoun, Westerlund
Absent : Dages

Upon question of President Perea, Mr. Sanchez stated Council could consider the second motion but clarified it requested this program be referred to the State which would be inconsistent with the direction just taken by a Council majority, with Councilmember Calhoun concurring and withdrawing his motion.

- - - -

(9:45 A.M.) REQUEST STAFF RETURN WITH A RECOMMENDATION ON THE FEASIBILITY AND EFFECTIVENESS OF ESTABLISHING A CITY OF FRESNO ENVIRONMENTAL PRESERVATION ADVISORY BOARD

Councilmember Calhoun thanked his staff for their work and reviewed the issue, all as contained in his report as submitted, and stated Council needed to do everything in its power to help clean the air and made a motion to direct staff, when they come back with their clean air plan, to also report back (by May 1st) with a recommendation on the feasibility and effectiveness of establishing a City Environmental Preservation Advisory Board and how it would be structured, which motion was seconded by Acting President Xiong. Councilmember Duncan

stated everything in Councilmember Calhoun's report was already law and distributed the FMC section dealing with the establishment of the Clean Air Program and Clean Air Advisory Committee, and stated the only downside was the City never bothered to do anything with this and staff just needed to activate and enforce the law already in place. Assistant City Manager Rudd spoke to the internal and external work going on and to air quality being a regional issue, and concurred good legislation was already in place and recommended Council solicit members to sit on the committee. Councilmember Calhoun withdrew his motion.

- - - -

(3:00 P.M.) WORKSHOP BY NAVIGANT CONSULTING ON THEIR REPORT INVESTIGATING THE STRATEGY DEVELOPMENT AND FINANCIAL ANALYSIS FOR THE FORMATION OF A SPECIAL UTILITY DISTRICT (PHASE 2)

- 1. DIRECT STAFF TO BEGIN THE PROCESS TO CHANGE THE GOVERNANCE STRUCTURE OF THE DEPARTMENT OF PUBLIC UTILITIES (DPU) TO A MUNICIPAL WATER DISTRICT (MWD)**
- 2. APPROVE AN AMENDMENT TO THE AGREEMENT WITH NAVIGANT CONSULTING TO PREPARE A PLAN OF SERVICE REGARDING THE CHANGE OF GOVERNANCE STRUCTURE OF DPU TO A MWD**

Assistant Public Utilities Director Andersen introduced the issue and gave a brief overview, and Larry Regal of Navigant Consulting gave a PowerPoint presentation on their report which included the background of the issue, financial analysis, the options of privatization and a special utility district including assumptions and findings, and concluded stating there were prospective benefits from the creation of a special district and there was no economic justification for privatization at this time.

Discussion ensued with Mr. Regal, City Manager Souza and City Attorney Sanchez responding to questions and/or comments of Councilmembers Duncan, Westerlund, Sterling and Xiong at length relative to whether the City would have the freedom to contract out services if a water district is established, Board make up/structure, why a special district needed to be looked at, if a change of governance would be decided by the voters, request that the Solid Waste Division be excluded from this analysis **(8 - 0)** and look at other options for solid waste such as a Regional Solid Waste District, support for moving forward this date as recommended by staff, potential savings, concern with the study being short-sided and only looking at three years, the change being a permanent one in the way the City delivers services, hope for civic-minded Board members, what the next step will be if staff recommendation is approved this date, request staff provide numbers past the year 2011, the solid waste request and if the Board could spin off to a regional board if they wanted to, need for additional information on the funding process and how citizens will be affected/impacted, it not being proven that City staff can not do the job, and the process to consider solid waste separately. Councilmember Duncan stated he would take the City Manager at his word that the issue of solid waste would be done upon approval of staff's recommendation and that it could be looked at in terms of a regional district, and made a motion to approve staff's recommendation. President Perea presented questions relative to when Navigant would return with the service plan, process after LAFCO approval, if this would be back before Council again, reluctance in going forward but support to find out what the numbers will look like and what the options will be, being glad to hear privatization is not the first choice, and need to be convinced a special district is in the best interest of the community, with Mr. Regal and Mr. Sanchez responding.

On motion of Councilmember Duncan, seconded by Acting President Xiong, duly carried, RESOLVED, staff directed to begin the process of changing the Governance Structure of the Department of Public Utilities to a Municipal Water District, and an amendment to the Agreement with Navigant Consulting in the amount of \$625,000 for preparation of a Plan of Service regarding the change hereby approved, by the following vote:

Ayes : Calhoun, Duncan, Westerlund, Xiong, Perea
Noes : Sterling
Absent : Dages

(4:30 P.M.) HEARING ON PLAN AMENDMENT APPLICATION NO. A-06-22 AND ENVIRONMENTAL FINDINGS FILED BY THE CITY OF FRESNO PROPOSING PLANNED LAND USE CHANGES TO THE 2025 FRESNO GENERAL PLAN AND BULLARD COMMUNITY PLAN AS SPECIFIED BY THE DRAFT PINEDALE NEIGHBORHOOD PLAN, AREA BOUND BY THE W. HERNDON AVENUE FRONTAGE ROAD, N. INGRAM AVENUE, W. ALLUVIAL AVENUE, AND N. BLACKSTONE AVENUE

1. CONSIDER AND ADOPT A FINDING OF A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. EA-06-37(A-06-22), DATED JANUARY 16, 2007

2. RESOLUTION NO. 2007-51 - APPROVING PLAN AMENDMENT APPLICATION NO. A-06-22 BY AMENDING THE GENERAL PLAN AND BULLARD COMMUNITY FOR APPROXIMATELY 90% OF THE AREA AND CHANGING THE PLANNED LAND USE DESIGNATION ON THE REMAINING 10%

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Unruh acknowledged and thanked everyone involved for all their work and efforts and gave an in-depth PowerPoint presentation on the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking in support of the Pinedale Neighborhood Plan were Laine Jones, 208 W. Minarets; Pastor Bill Knezovich of Our Savior's Lutheran Church, **(9 - 0)** who read a letter into the record from Monsignor John Harguindeguy, Pastor of St. Agnes Mission and St. Anthony of Padua Church; Larry Barnes, who also requested careful consideration be given to the eastside of Ingram; Walter Herron, who spoke to safety concerns with the medium density portions of the plan and stated there should be a buffer between commercial and single family homes; Linda Amparano; David Rodriguez, Chair of the Pinedale Neighborhood Plan; Carolyn Romersa, who spoke to the importance of implementing the plan once approved; and Ernestine Martinez.

Mark Hoffman spoke to his suggestion for a buffer on Alluvial Avenue, requested Alluvial be included into the density tolerant, displayed photographs of some of the dilapidated, older homes in the community, and spoke to the opportunity for Pinedale to change its' image with development of high quality housing.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Calhoun thanked the many people involved and commented on the issue at length including the background, the great sense of community, the many meetings that were held, the people wanting to retain their community as residential, this plan being residential with minor changes on Ingram, some homes in the area being challenged but being home to someone, code enforcement being active resulting in a nicer community, and to how proud he was of the community and his support for the plan. A motion and second was made to approve staff's recommendation. President Perea stated he concurred with Councilmember Calhoun's comments and stated his support for the plan and commended the community on a great job.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding for the subject E.A. hereby approved, and the above entitled Resolution No. 2007-51 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Dages

RECESS - 5:54 P.M. - 6:16 P.M.

(3:30 P.M. #1) STATUS REPORT ON THE IMPLEMENTATION OF THE 2025 FRESNO GENERAL PLAN

Laid over to February 27, 2007.

**(10:00 A.M.) HEARING ON THE VACATION OF A PORTION OF S. CRYSTAL AVENUE SOUTH OF WHITESBRIDGE
1. RESOLUTION NO. 2007-52 - ORDERING THE VACATION**

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Engineering Technician Polsgrove gave a brief overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Perea closed the public hearing.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2007-52 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea |
| Noes | : | None |
| Absent | : | Dages |

**(10:15 A.M.) HEARING ON THE VACATION OF A PORTION OF W. CATTEN AVENUE NORTHEAST OF N. WEBER AND PORTIONS OF N. WEBER FROM NORTH OF W. CATTEN TO SOUTH OF W. DEVLAN AVENUE
1. RESOLUTION - ORDERING THE VACATION**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Supervising Engineering Technician Polsgrove advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the public hearing.

Councilmember Calhoun made a motion to approve staff's recommendation. Upon question of Councilmember Westerlund, Mr. Polsgrove stated he did not know if the leach fields were in county islands, whereupon Councilmember Calhoun stated that was a good point, withdrew his motion to approve, and made a motion to table the matter so staff could look into that matter and provide an answer.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled 10:15 a.m. Hearing tabled to February 27, 2007, at a time to be set, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea |
| Noes | : | None |
| Absent | : | Dages |

(10:30 A.M.) TEFRA HEARING AS REQUIRED BY THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, TO CONSIDER ISSUANCE OF HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY, ON BEHALF OF OPS VILLAS, L.P., FOR THE PURPOSE OF FINANCING THE ACQUISITION AND CONSTRUCTION OF A 65-UNIT MULTIFAMILY RENTAL HOUSING FACILITY COMMONLY KNOWN AS OAK PARK SENIOR VILLAS

1. RESOLUTION NO. 2007-53 - APPROVING THE ISSUANCE OF THE HOUSING REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Assistant City Controller Bradley advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2007-53 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Dages

(10:45 A.M.) TEFRA HEARING AS REQUIRED BY THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, TO CONSIDER ISSUANCE OF HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY, TO FINANCE COSTS RELATING TO TANAGER SPRINGS APARTMENTS, A MULTIFAMILY RENTAL HOUSING FACILITY TO BE OWNED AND OPERATED BY SADI, LLC

1. RESOLUTION NO. 2007-54 - APPROVING THE ISSUANCE OF THE HOUSING REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$23,000,000

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Assistant City Controller Bradley advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2007-54 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Dages

(10:50 A.M.) COUNCIL DETERMINATION OF CONSISTENCY WITH THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONS PLAN AS RELATED TO RESIDENTIAL DEVELOPMENT LOCATED WITHIN THE ADOPTED 65 d.b.a. (DECIBELS) COMMUNITY NOISE EQUIVALENT LEVEL (CNEL) FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. CEDAR AND E. GETTYSBURG AVENUES

Planner Rodriguez reviewed the issue and recommended Council find that there is a feasible alternative to the proposed residential use being proposed by the applicant, all as contained in the staff report as submitted.

Speaking in support of the applicant's position and proposal to construct the four duplexes were: Brad Koach, representing JB Development, 5228 E. Pine (**10 - 0**); Acoustical Engineer/Consultant Robert Alvarado, 130 Sutter Street, San Francisco, CA; and one of the property owners who did not identify himself.

Councilmember Westerlund spoke to the matter and related issues in-depth, stated he would support the applicant's request in this instance due to the fact that the only access would be from Gettysburg and the subject property was surrounded by residential, and clarified he would not support the applicant's Palm Lakes project when it comes forth and explained. Councilmember Sterling commented on the issue including her meeting with the developer as a member of the 10x10 Committee, affordable housing and the upcoming Palm Lakes project, and her desire to have this project go before the 10x10 Committee, and made a motion to table the matter so the applicant can present this project to the committee. Upon call, the motion died for lack of a second. Mr. Rodriguez and City Attorney Sanchez responded to comments, concerns and/or questions of Councilmembers Calhoun and Xiong relative to the City having to soundproof homes in the future, future homeowners complaining about the noise level, if City would be indemnified of future liability, and if a commercial or light industrial use would have to be developed on the property if the applicant's proposal is denied.

Councilmember Westerlund made a motion to approve the applicant's request that there are no feasible alternatives for the development at the site besides residential. President Perea spoke briefly to the neighborhood and to his support for the motion. Upon question of Councilmember Sterling Councilmember Westerlund confirmed this project had nothing to do with affordable housing and

it would not prohibit residential development in the area. Relative to the motion Mr. Sanchez advised of the findings to be made and the need to incorporate them into the motion.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the applicant's request hereby approved based on the findings that there is no feasible alternative for development on the property other than the proposed residential, the record owner will indemnify the City of any liability, and appropriate noise insulation standards as identified by staff will be utilized, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea |
| Noes | : | None |
| Absent | : | Dages |

The City Council recessed at 6:54 p.m. and convened in joint session with the Redevelopment Agency.

(2:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JANUARY 23 AND 30, 2007

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the Agency minutes of January 23 and 30, 2007, approved as submitted.

(“A”) AWARD A CONTRACT IN THE AMOUNT OF \$43,460 TO LEE CRIPPEN EXCAVATION FOR THE DEMOLITION AND CLEARANCE OF BUILDINGS LOCATED AT 1260 “A” STREET AND 4626, 4630 AND 4636 E. KINGS CANYON ROAD

A motion and second was made to award the contract as recommended. Executive Director Murphey advised Mr. Crippen passed away in January and it was the desire of Rene Crippen, successor and owner of the business, to go forward with this contract and added she was qualified to accept the award for Lee Crippen Excavation.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled contract awarded to Lee Crippen Excavation as recommended, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Calhoun, Duncan, Perea, Westerlund, Xiong, Sterling |
| Noes | : | None |
| Absent | : | Dages |

The joint bodies adjourned their meeting at 6:57 p.m. and the City Council reconvened in regular session.

(3:30 P.M.#2) UPDATE REGARDING PROACTIVE ANNEXATION AND REZONE PROGRAM AND INITIATION OF RELATED REZONE APPLICATIONS

1. RESOLUTION NO. 2007-56 - INITIATING PRE-ZONING ON 7 PARCELS TOTALING APPROXIMATELY 41.80 ACRES WITHIN THE CITY

2. RESOLUTION NO. 2007-55 - INITIATING A REZONING APPLICATION ON 27 PARCELS TOTALING 47 ACRES WITHIN THE ROEDING BUSINESS PARK

Acting Planning & Development Director Bergthold gave a brief overview of the issue and noting the status report on the implementation of the general plan was laid over earlier in the meeting advised staff would give a more complete report on February 27th. Consultant Jeff Sorensen of Planning Resource Associates, Inc., reviewed the two resolutions, all as contained in the staff report as submitted.

Councilmember Sterling spoke in support of the issue and relative to Resolution #2 stated this will make Roeding Business Park more attractive and made a motion to adopt the resolution, which motion was seconded by Councilmember Duncan. City Attorney Sanchez, Mr. Bergthold and City Manager Souza responded to questions and comments of Councilmember Calhoun relative to the two resolutions being different issues, what the next step will be after the resolutions are adopted, if this was part of the general plan, the taking

of ag land and what the land was being rezoned to, and if proper outreach and noticing will be given to area residents. Councilmember Duncan spoke briefly in support and complimented staff on initiating the pre-zones stating it would speed up the process. Upon question of Councilmember Westerlund, Mr. Berghold advised residents who choose not to rezone or pre-zone can attend the public hearing and ask that their property be excluded from the area-wide rezoning/pre-zoning, with Council having the final say.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2007-55 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Dages

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-56 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Dages

Councilmember Calhoun noted staff would be coming back with the issue of consolidating county islands and upon his questions P&D Project Manager Barnes and Mr. Sanchez explained the process for selecting the county islands and stated staff did discuss the matter with the City Attorney’s office. Councilmember Calhoun requested staff meet with him prior to Council considering the matter.

(2-A) ESTABLISHMENT OF A COUNCIL SUBCOMMITTEE FOR CITYWIDE STREET IMPACT FEES - COUNCILMEMBER WESTERLUND

At the direction of Councilmember Westerlund the matter was continued to March 6, 2007.

(2-B) REQUEST STAFF TO RETURN TO COUNCIL WITH A REPORT AND FINANCIAL STATUS OF THE ABANDONED VEHICLE ABATEMENT PROGRAM - COUNCILMEMBER CALHOUN

Councilmember Calhoun spoke to the background of the issue and advised he voted against the \$1 DMV fee a few years ago due to his concerns with how the fee would be administered and how the program itself would run, stated it looked like the program was not working based on a Fresno Bee article on Orange County, and upon his request and with Council consensus staff was requested to check with COG to determine if the fees collected are being used appropriately and if this was a useful program and report back Councilmember Duncan spoke to the background of the issue and stated he would bet the funds collected only replaced existing dollars and did not increase the number of vehicles removed from the street, and added he looked forward to the report. President Perea stated he remembered voting against the program originally as he shared some of the same concerns and also looked forward to seeing the report.

(2-C) APPROVE INCREASE IN COMPENSATION FOR THE CITY CLERK - PRESIDENT PEREA

President Perea apologized for not submitting his recommendation in writing and noted the evaluation was conducted and the matter discussed, and advised his recommendation was for a 3% increase in compensation and an additional 32 hours of Administrative Leave.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, a 3% increase in salary and an additional 32 hours of Administrative Leave for the City Clerk hereby approved, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Dages

(2-D) APPROVE APPOINTMENT OF ACTING PRESIDENT XIONG TO THE COUNCIL OF GOVERNMENTS (COG) RAIL COMMITTEE - PRESIDENT PEREA

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, Acting President Xiong appointed to the COG Rail Committee, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent : Dages

(2:00 P.M.#2) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(“A”) ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: WALTRY DESIGN, INC., V. COF

(“B”) EXISTING LITIGATION - CASE NAMES:

- 1. COF (SALDATE) V. BRUCE ADAMI**
- 2. COF V. BAHMAN IGHANI, ET AL.**

The City Council met in closed session in Room 2125 at the hour of 7:25 p.m. to consider the above matters and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 7:35 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the ____27th____day of ____February____, 2007.

_____/s/_____
Henry T. Perea, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

